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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,428	11/21/2001	Noboru Iwata	49443DIV (70904)	4238
21874	7590	02/20/2004	EXAMINER	
EDWARDS & ANGELL, LLP			BERNATZ, KEVIN M	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	
			1773	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/990,428

Applicant(s)

IWATA ET AL. 

Examiner

Kevin M Bernatz

Art Unit

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.


NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): Double Patenting in view of Iwata et al.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 18 and 20-25.Claim(s) withdrawn from consideration: 17 and 19.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


2/12/04

Continuation of 5. does NOT place the application in condition for allowance because: applicants' arguments have been considered but have not been found persuasive. Specifically, applicants argue that since Aratani is a four layered medium that applicants' 3 layered medium is distinguishable from Aratani and that the Examiner's position of inherency is therefor invalid. The Examiner respectfully disagrees.

The Examiner notes that Aratani discloses a roughly gaussian distribution for the temperature of the medium (Figure 2) and that the Examiner can easily pick "a rear part of the light beam" (e.g. near intersection of leftmost dotted lines in figure) which has a higher temperature, and hence larger wall coercivity, than "a front part of the light beam spot" (e.g. to the right of the rightmost intersection of the two dotted lines) wherein Figure 2 clearly shows that the domain wall at the light beam spot rear (righthand side of Figure 2) does not enter the light beam.

Applicants further argue that Fuji disclose a different mechanism for controlling the mixing of signals and does not control the first magnetic layer constituion (page 8 of response). Therefore, applicants argue that the Examiner's position of inherency is invalid since the applicants' perform a different technique than Fuji and Fuji "nowhere describes constituing or composing the magnetic layers of the described medium so as to control movement of the domain wall for the rear region". The Examiner respectfully disagrees.

First, the Examiner notes that the base claim does not limit the composition of any of the magnetic layers. Second, the Examiner notes that Fuji et al. specifically discloses that the domain wall is prevented from entering the rear part of the light beam (Figure 12a and col. 12 lines 45 - 46). As such, the Examiner deems that sound basis for the Examiner's position has been provided by the prior art.

Finally, applicants argue that the combination of Shiratori with Aratani is not properly motivated. The Examiner respectfully disagrees.

Proper motivation has been provided in the rejection of record, and since both Shiratori and Aratani are in the same field of endeavor (magneto-optical recording), the Examiner deems that they are analagous art which would have been within the knowledge of one or ordinary skill at the time of applicants' invention.


Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700